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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,247	09/14/2001	Mikko Puuskari	P- 281450	2288

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EXAMINER

HOM, SHICK C

ART UNIT PAPER NUMBER

2666

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No. 09/869,247	Applicant(s) PUUSKARI, MIKKO	
Examiner Shick C. Horn	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 5/16/05 & 7/8/05.
- 2a)  This action is FINAL.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-20 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_.

Art Unit: 2666

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Drawings***

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor

Art Unit: 2666

errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Objections***

4. Claims 2-9, 11-13, 15-20 are objected to because of the following informalities: in claims 2-9, 11-13, 15-16, 18-20 line 1 delete "A method," "A telecommunications system," "A gateway support node," and "A serving support node," and insert ---The method---, ---The telecommunications system---, ---The gateway support node---, and ---The serving support node---, respectively, because they're reciting the method, the telecommunications system, the gateway, and the serving support nodes of the independent claims. In claims 4, 6, line 2, spell out the acronyms "GPRS" and "PDP," i.e. delete "GPRS" and "PDP" and insert ---general packet radio service GPRS--- and ---packet data protocol PDP---, respectively, for clarity. In claims 12, 13 line 3, and claim 19 line 3 the words "a tunnel" seem to refer back to the "tunnel" recited in claim 10 line 9 and claim 17 line 6, respectively. If this is true, it is suggested changing "a tunnel" to ---the tunnel---. Appropriate correction is required.

Art Unit: 2666

***Claim Rejections - 35 USC § 112***

5. Claims 5-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5 lines 5, 6; claim 7 lines 6, 7; and claim 8 line 2 which recite "said condition" is not clear as to whether it is reciting the condition of claim 1 line 6 or the changed conditions of claims 5, 7 line 5. In claim 10 line 9 which recite "the tunnel" lacks clear antecedent basis because no tunnel have been previously recited in the claim and therefore the limitation is not clearly understood.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Art Unit: 2666

7. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holt et al. (6,070,192) in view of Lager et al. (6,636,502).

Regarding claims 1, 10, 14, 17, 20:

Holt et al. disclose a method of controlling selection of a gateway to be used in a telecommunications system which comprises at least one node serving a subscriber of the telecommunications system, a first and a second gateway (see Fig. 2, the subscriber loop, the PC, controller and gateways and col. 1 lines 18-38 which recite the use of the public switched telephone network PSTN for sending packetized data clearly anticipate controlling the telecommunications system including the support node serving the subscriber), wherein the method comprises the steps of: defining at least one condition for the first gateway, so that when the condition is fulfilled, the second gateway is more suitable for transmitting packets, detecting that the condition is fulfilled, and instructing to select the second gateway by sending a first message indicating the second gateway (see col. 4 lines 51-62 which recite the means for selecting a network gateway based on the counts of active calls clearly anticipate the method of controlling

Art Unit: 2666

selection of a gateway based on a defined condition being fulfilled).

Regarding claims 2, 10, 12, 15, 17:

Holt et al. disclose further receiving in the first gateway a second message which indicates that a tunnel for transmitting packets between the subscriber and an external data network is to be established between the serving node and the first gateway, checking said condition, and transmitting a first message to the serving node if said condition is fulfilled, or establishing a tunnel if said condition is not fulfilled (see col. 5 lines 7-17 which recite the controller selecting a gateway whereby a tunnel already exist before establishing one clearly anticipate the step of using a tunnel for transmitting packets if condition is fulfilled or establishing a tunnel if condition is not fulfilled).

Regarding claims 3, 5, 7-9, 13, 16, 18, 19:

Holt et al. disclose wherein if the tunnel is established between the serving node and the first gateway, the method further comprises the steps of: detecting a change in operating conditions in the first gateway, checking said condition, and performing the next steps if said condition is fulfilled: transmitting a fourth message indicating said second gateway to the serving node, waiting for an acknowledgement to said fourth

Art Unit: 2666

message, receiving the acknowledgement, and removing the tunnel in the first gateway in response to a positive acknowledgement (see col. 11 line 66 to col. 12 line 26 which recite the call being released whereby a connection release indication is send to the network controller to which the controller responds with an acknowledgement message clearly anticipate the step of detecting a change in operating conditions and transmitting, receiving the acknowledgment and removing the tunnel).

Regarding claim 11:

Holt et al. disclose wherein the telecommunications system comprises a database where information on the second gateway defined for the first gateway is maintained, and the first gateway is arranged to retrieve the most suitable second gateway from the database when the predefined condition is fulfilled (see col. 12 line 64 to col. 13 line 14 which recite storing the call information and using the stored information for connection control clearly reads on the database for maintaining the defined information as in claim 11).

For claims 1-20, Holt et al. disclose all the subject matter of the claimed invention with the exception of selecting gateway support nodes in a GPRS system and the messages being response messages to a create PDP context request as in claims 1, 10, 14, 17, 4, and 6.



Art Unit: 2666

Lager et al. from the same or similar fields of endeavor teach that it is known to select gateway support nodes in a GPRS system and the messages being response messages to a create PDP context request (see the abstract, col. 1 lines 8-15, and col. 4 lines 7-18 which recite selecting gateway GPRS support node accessed by the packet data network due to evaluation of PDP address used to tunnel protocol PDUs to the current point of attachment of the mobile station). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the step of selecting gateway support nodes in a GPRS system and the messages being response messages to a create PDP context request as taught by Lager et al. in the communications method and system of Holt et al. The gateway support nodes in a GPRS system and the messages being response messages to a create PDP context can be implemented by substituting the gateways support nodes in a GPRS system and using the PDP messages of Lager et al. for the gateways, system and protocol of Holt et al. The motivation for using gateway support nodes in a GPRS system and the messages being response messages to a create PDP context as taught by Lager et al. in the communication method and system of Holt et al. being that it provides more efficiency for the

Art Unit: 2666

system since the system uses a know standard protocol and the added desirable feature of wireless communication.

### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Forslow disclose a dynamic quality of service reservation in a mobile communications network.

Davison et al. disclose a method and apparatus for associating PVC identifiers with domain names of home gateways.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2666

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH



DANIGTON  
PATENT EXAMINER